

From: Joe Patterson
To: The Chapel Hill Town Council
Re: Petition

My partners and I wish to renovate an existing residential building (the Village Apartments at 213 East Franklin St.) in the downtown area. In the process we would convert the units from apartments to condominiums. The building was built in 1937.

It is our understanding that the proposed project satisfies a number of goals outlined in the Comprehensive Plan including renovation and upgrading of existing housing stocks, creation of permanent housing in the downtown area, and the stabilization of the neighborhood. This type of project will be central to the revitalization of the downtown area in the coming years. We are simply the first of many.

We have run into difficulties in our efforts to get Planning Department approval to proceed with our project which is a result of the combination of inappropriate zoning and the unintended effects of the LUMO. At some point in the past, this building was rezoned OI-1 (low intensity office and institutional). This was clearly a high density residential property and that type of zoning would be consistent with the Town's Comprehensive Plan. The effect of that rezoning was that the property suddenly had a host of non conforming features including maximum square footage, building height and impervious surfaces. The current LUMO prevents us from proceeding with our intended renovations (where nonconforming features exist) without the issuance of a Special Use Permit (see section 7.4.2(a)). This is an expensive, time consuming and unpredictable process which will not result in a better product.

We feel that requiring an SUP is unfair and unreasonable for the following reasons;

1. Inappropriate zoning caused existing features to become non conforming features.
2. None of the proposed modifications or uses would have required an SUP. It is solely the existence of nonconforming features makes this necessary.
3. There is already a public consensus on the value of the project as a result of the Town's own development plans for the downtown area.
4. The project would not avoid regulation. The Zoning Compliance Permit, which would be required for the project, covers virtually all the same issues as the SUP. This application must be approved by the Planning Department.
5. We would agree to provide an affordable rental unit. All renters would be certified by the Orange County Affordable Housing Trust or EMPOWER.
6. We have already presented a Concept Plan Proposal to the Historic District Commission at a public hearing. Neighbors within 1,000 feet of the building were notified. Not one complained or even attended the meeting. Immediate neighbors strongly support the renovation.
7. There was strong support from the HDC for the proposed renovation and they urged expedited approval for it.

②

Based on the above, and with an eye toward future projects, we petition the Town Council to explore if it might possible for our renovation project to avoid the unintended effects of inappropriate zoning combined with the new LUMO (and the requirement to apply for an SUP), and furthermore, that the Staff bring back options for the Council to consider for mitigating the effects of LUMO for our project and similar projects.

Joe Patterson
7 Cobb Terrace
Chapel Hill, NC 27514

Tel 919 933 5488
Fax 919 933 0266
Email: joepatterson @ mindspring.com

* X SUP
 ✓ ZCP *

3

KEY TO REQUIRED INFORMATION *(1 copy required unless otherwise noted)*

- X 1. ✓ Copy of recorded Plat or copy of current recorded deed (1 copy) County Register of Deeds or Title Company
- X 2. Area map of land (25 copies*; For Variances/Appeals 20 copies*) Refer to Tax Maps and Area Map handout
- X 3. ✓ Mailing list of property owners located within 500 ft of subj. property for RCD Encroachment and Minor Subdivision; 1,000 ft of subj. property for all other applications (1 copy) Use most current tax assessment rolls (Planning Dept. or County Tax Office)
- X 4. ✓ Stamped, pre-addressed envelopes for property owners on mailing list (1 set for Variance/Appeal, Minor Subdivision, or SUP Final Plans; 2 sets for all others). *Envelope flaps must be rounded – NO peel and stick envelopes.*
- X 5. Statement of Justification - Special Use (25 copies)
- 6. Preliminary Plat (25 copies)
- X 7. Traffic Impact Statement (3 copies) Consult Traffic Engineer (968-2833)
- 8. Recordable Plat of property (6 copies for final plats; 16 copies for minor subdivision)
- X 9. ✓ Detailed Site Plan: (27 copies* for SUP & Site Plan Review-ZCP; 20 copies* for Variances/Appeals; 8 copies* for Administrative Review - ZCP & Final Plan Review. *Please Note: Applications requiring Environmental Assessment to the State Clearinghouse, a Draft Environmental Assessment shall be submitted to the Town with the application.*
- 10. Detailed Exterior Elevations
- X 11. Detailed Site Analysis (25 copies)
- X 12. ✓ Elevation Outline (2 copies)
- 13. Copy of Zoning Compliance Permit Obtain from Planning Department
- 14. ✓ Utility Service Clearance Obtain from utility provider
- 15. ✓ Copy of approved Erosion Control Plan Obtain from County Erosion Control Officer
- 16. ✓ Recordable Plat of easements, right-of-way, and dedications
- X 17. ✓ Copy of application fee receipt Obtain from Town Revenue Collector upon payment
- X 18. ✓ Project Fact Sheet (submit the same # of copies as required by #9 above) Obtain from Planning Department
- X 19. Concept Plan Summary, Design Commission and Town Council, if applicable (1 copy) Obtain from the Planning Department
- 20. Statement of Justification - Rezoning (25 copies)
- 21. Statement of Justification – Variance/Appeal (20 copies)
- 22. Subdivision Fact Sheet (Preliminary Plat (25 copies); Final Plat or a Minor Subdivision (6 copies)... Obtain from Planning Department
- X 23. 8 1/2" x 11" reduction of plans (1 set)
- X 24. ✓ Landscape Protection Plan (6 copies) Consult Urban Forester (968-2796)
- 25. ✓ For Resource Conservation District Variance: Submittal requirements of Section 3.6.3h.4(a-n) of the LUMO or a letter from the Town's Engineering Department regarding exemptions Consult Engineering Department (968-2833)
- X 26. ✓ Solid Waste Management Plan Consult Solid Waste Staff (968-2788)
- X 27. ✓ Stormwater Impact Statement (2 copies) Consult Engineering Department (968-2833)
- X 28. ✓ Steep Slope Plan Refer to Section 5.3.2 of Land Use Management Ordinance
- X 29. ✓ Digital Files: For all application types, and successive document submittals, provide *all documents* on a CD or 3.5" disk, in digital form. Required file formats as follows: text (*.doc); hard copies that require scanning (*.pdf); plans (*.dwf), and; photos (*.jpg).

***Copies should be folded to fit into a 12" x 15 1/2" envelope.**

- Notes:
- a) All documents, maps, digital files, etc. submitted with applications become Town property.
 - b) All application fees are non-refundable.
 - c) The applicant/owner or their representative should be present at all public mtgs.
 - d) The Town Manager can exempt certain required information where not applicable.
 - e) Tax Map, Block, and Lot information should be on all forms, maps, letters, transmittals, etc.

TOWN OF CHAPEL HILL - LAND DEVELOPMENT PERMIT APPLICATION

www.townofchapelhill.org/planning/index.htm

(Revised June 4, 2004)

APPLICANT (person to whom correspondence will be mailed):

Name: _____ Address: _____

City: _____ State: _____ Zip: _____ Phone: (Office) _____ (Home) _____

PROPERTY INFORMATION:

Tax Map(s): _____ Block(s): _____ Lot(s): _____ Property Identification #(s) _____

Address: _____

Location: _____ side of _____ at/between _____ and _____
(north, east, south, west) (Street) (Street) (Street)

Zoning District(s) and Gross Land Area Within Each: _____

Present Land Use(s): _____

Land Area within Resource Conservation District (RCD) and/or Watershed Protection District: _____

Has this request been reviewed by the Community Design Commission? _____ If yes, date(s) _____

Name of Proposed Development: _____

TYPE OF REQUEST REFER TO KEY ON REVERSE SIDE

- _____ Administrative Review - Zoning Compliance Permit 1, 9, 12, 14, 15, 16, 17, 18, 24, 26, 27, 28, 29
- _____ Resource Conservation District Encroachment - Zoning Compliance Permit 1, 3, 4, 9, 12, 14, 15, 16, 17, 18, 24, 25, 26, 27, 28, 29
- _____ Site Plan Review - Zoning Compliance Permit 1, 2, 3, 4, 7, 9, 12, 14, 16, 17, 18, 23, 24, 26, 27, 28, 29
- _____ Final Plans 1, 3, 4, 9, 12, 14, 15, 16, 17, 18 or 22, 24, 26, 29
- _____ Minor Subdivision (including townhouse divisions & commercial subdivisions) 1, 3, 4, 8, 13, 14, 17, 22, 23, 29
- _____ Subdivision - Preliminary Plat 1, 2, 3, 4, 6, 7, 11, 17, 19, 22, 23, 24, 27, 28, 29
- _____ Subdivision - Final Plat 8, 10, 13, 14, 17, 22, 29
- _____ Special Use Permit - Special Use (SU) 1, 2, 3, 4, 5, 7, 9, 11, 12, 17, 18, 19, 23, 24, 26, 27, 28, 29
Classification of SU: _____
- _____ Special Use Permit - Planned Development (PD) 1, 2, 3, 4, 5, 7, 9, 11, 12, 17, 18, 19, 23, 24, 26, 27, 28, 29
Classification of PD: _____
- _____ RCD/Watershed Protection Variance 1, 2, 3, 4, 9, 12, 17, 21, 23, 25, 29
- _____ Variance/Appeal 1, 2, 3, 4, 9, 12, 17, 21, 23, 29
- _____ Zoning Map Amendment: from _____ to _____ 1, 2, 3, 4, 17, 20, 23, 28, 29
- _____ Other _____

The undersigned property owner(s) or contract purchaser(s) hereby authorize(s) the filing of this application, and authorize(s) on-site review by authorized staff.

Signature: _____ Date: _____

Signature: _____ Date: _____

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.